

Lismore LEP 2012 – McLeans Ridges Rural Residential Expansion

Proposal Title : Lismore LEP 2012 – McLeans Ridges Rural Residential Expansion

Proposal Summary : The proposal seeks to amend Lismore LEP 2012 by rezoning land at 37 Baldock Drive, McLeans Ridges (Lot 23 DP 1130169) for large lot residential (rural residential) purposes.

The proposal includes rezoning the 7.52ha vacant site from RU1 Primary Production to R5 Large Lot Residential and applying a 3ha minimum lot size and 8.5m maximum building height development standard.

Rezoning the site is estimated to yield 1 additional allotment.

PP Number : PP_2016_LISMO_006_00 Dop File No : 16/09115

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is **RECOMMENDED** that the Acting Director Regions, Northern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Lismore Local Environmental Plan 2012 to rezone land at 37 Baldock Drive, McLeans Ridges (Lot 23 DP 1130169) for large lot residential purposes and to apply alternative minimum lot size and maximum building height standards to the land should proceed subject to the following conditions:

1. Prior to undertaking community consultation the following site investigations should be undertaken and placed on public exhibition with the planning proposal:

- (a) Bushfire Hazard Assessment
- (b) Ecological

2. Prior to community consultation the planning proposal is to be amended as follows:

- (a) to include maps within Appendix 3 that show the current zone, lot size and building height controls as well as the proposed zone, lot size and building height controls.

- (b) to incorporate a copy of the AHIMS search and existing preliminary site contamination assessment, which are referenced in the proposal.
- (c) to include written advice from the Local Aboriginal Land Council that the land has no significant cultural heritage significance.
- (d) to incorporate any necessary changes to the proposal arising from the additional site investigations or consultation with State agencies or organisations.

3. Consultation is required with the following public authorities and agencies prior to

public exhibition under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- (a) NSW Rural Fire Service
- (b) Department of Primary Industries (Agriculture and Water)
- (c) Office of Environment and Heritage

Each public authority and agency is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Environment 2013).

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

6. Delegation to finalise the Plan should be issued to Council.

SECTION 117 DIRECTIONS

It is recommended that:

- (a) The Secretary's delegate can be satisfied that the Planning Proposal's inconsistency with s117 Direction 1.2 Rural Zones is justified by the terms of the Direction.
- (b) The Secretary's delegate note the proposal's inconsistency with Direction 5.3 Farmland of State and Regional Significance on the Far North Coast remains outstanding but is considered minor.
- (c) The Secretary's delegate note further site studies and/or consultation is required in relation to s117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection before any potential inconsistencies can be determined.
- (d) The Secretary's delegate can be satisfied that the Planning Proposal is consistent with all other relevant s117 Directions.

Supporting Reasons :

The reasons for the above recommendations for the Planning Proposal are as follows:

- 1. The planning proposal is considered a 'routine' planning proposal.
- 2. Zoning the land for rural residential development is consistent with the strategic planning framework for the site.
- 3. The inconsistencies with the s117 Directions are justified by the proposal's consistency with the Regional Strategy.
- 4. Consistency with s117 Direction 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection is currently unresolved until site studies and/or consultation is undertaken.
- 5. The proposal's inconsistency with Direction 5.3 Farmland of State and Regional Significance on the Far North Coast remains outstanding.
- 6. The proposal is otherwise consistent with all relevant local and regional planning strategies, s117 Directions and SEPPs.

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otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Craig Diss

Date:

12 July 2016

7. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.

Panel Recommendation

Recommendation Date : **12-Jul-2016**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This proposal is considered to be a local planning matter that can be appropriately considered by the Director Regions, Northern without referral to the Panel.**

Gateway Determination

Decision Date : **12-Jul-2016**

Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **14 Days**

LEP Timeframe : **12 months**

Gateway Determination : **1. Prior to undertaking community consultation the following site investigations should be undertaken and placed on public exhibition with the planning proposal:**

- (a) Bushfire Hazard Assessment; and**
- (b) Ecological.**

2. Prior to undertaking community consultation the planning proposal is to be amended as follows:

- (a) to include maps within Appendix 3 that show the current zone, lot size and building height controls as well as the proposed zone, lot size and building height controls;**
- (b) to incorporate a copy of the AHIMS search and existing preliminary site contamination assessment, which are referenced in the proposal;**
- (c) written advice from the Local Aboriginal Land Council that the site has no significant cultural heritage value; and**
- (d) to incorporate any necessary changes to the proposal arising from the additional site investigations or consultation with State agencies or organisations.**

3. Consultation is required with the following public authorities and agencies prior to public exhibition under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- (a) NSW Rural Fire Service**
- (b) Department of Primary Industries (Agriculture and Water)**
- (c) Office of Environment and Heritage**

Each public authority and agency is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013) and must be made publicly available for a minimum of 14 days;**
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013); and**
- (c) Any mapping material must meet the specifications in the current Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).**

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may